

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN RE: NATIONAL PRESCRIPTION OPIATE LITIGATION	Case No. 1:17-MD-2804
<i>APPLIES TO ALL CASES</i>	Hon. Dan. A. Polster

**NOTICE OF FILING UNREDACTED AND/OR LESS REDACTED PLAINTIFFS'
MEMORANDUM IN SUPPORT OF MOTION FOR PARTIAL SUMMARY
ADJUDICATION THAT DEFENDANTS DID NOT COMPLY WITH THEIR DUTIES
UNDER THE FEDERAL CONTROLLED SUBSTANCES ACT TO REPORT
SUSPICIOUS OPIOID ORDERS AND NOT SHIP THEM and RELATED EXHIBITS**

Plaintiffs hereby provide notice of, and file into the public record, the attached unredacted and/or less redacted pre-trial brief and exhibits. Pursuant to the Order Regarding Redacting and Sealing of Documents (Doc. No. 2909), various confidentiality rulings, meet and confers between Plaintiffs, Defendants and third parties, and/or the resulting withdrawal of confidentiality designations, the attached previously redacted materials are hereby publicly filed as unredacted or less redacted. In the interest of clarity and completeness, Plaintiffs hereby re-refile the related brief (even if not previously redacted) and less redacted or unredacted exhibits attached hereto. Finally, for tracking and/or cross-referencing purposes, the below chart lists the original filing events related to the documents that are being filed, their prior ECF numbers, and the prior and present state of redactions.

Document Title	Ex. #	Prior Public ECF No.	Prior Redactions	Current Redactions
Plaintiffs' Memorandum of Law in Support of Motion for Partial Summary Adjudication that Defendants did not Comply with their Duties under the Federal Controlled Substances Act to Report Suspicious Opioid		1910	Yes	None now

Document Title	Ex. #	Prior Public ECF No.	Prior Redactions	Current Redactions
Orders and Not Ship Them (corrected) (SOMSB)				
Rafalski, James E., Expert Report: Analysis of Distributor and Manufacturer Regulatory Compliance to Maintain Effective Controls for the Prevention of Diversion of Controlled Substances	1	1957-1	Yes	None now
McCann, Craig J., PH.D., CFA, Supplemental Expert Report	2	1957-2	Yes	None now
Keller, Lacey R., Expert Analysis Report	3	1957-3	Yes	None now
Transcript of the Deposition of Jennifer R. Norris	11	1957-11	Yes	None now
Transcript of the Deposition of Nathan J. Hartle	12	1957-12	Yes	None now
DEA's Office of Diversion Control's 13th Pharmaceutical Industry Conference Agenda and Presentation by Michael Mapes regarding Suspicious Orders [produced by HD Smith] HDS_MDL_00002032	15	1957-15	Yes	None now
Transcript of the Deposition of Thomas G. Schoen	20	1957-20	Yes	None now
Whitelaw, Dr. Seth B., Expert Report, Examination of Compliance Standards for Opioid Manufacturers and Distributors	21	1957-21	Yes	Fewer
McCann, Ph.D., CFA, Craig J., Second Supplemental Expert Report	25	1957-25	Yes	None now
Transcript of the Deposition of John Gillies (Entire Transcript)	32	1957-32	Yes	Fewer
Transcript of the Deposition of Karen Harper (Entire Transcript)	34	1957-34	Yes	Fewer
Transcript of the Deposition of James Rausch (Entire Transcript)	36	1957-36	Yes	Fewer
Suspicious Order Monitoring Program No. C/S Comp 3.0 MNK-T1_0000264260	38	1957-38	Yes	None now
SOM Team Activity Log	40	1957-40	Yes	None now

Document Title	Ex. #	Prior Public ECF No.	Prior Redactions	Current Redactions
MNK-T1_0000477889				
Memorandum from Howard Davis to Karen Harper, Suspicious Order Monitoring Program No. C/S Comp 3.0 MNK-T1_0000269399	41	1957-41	Yes	None now
Email from Victor Borelli to Brenda Rehkop, cc: Karen Harper, et al. regarding NAMs clearing orders MNK-T1_0000290934	50	1957-50	Yes	None now
Transcript of the Deposition of Kevin Kreutzer	100	1957-100	Yes	Fewer
DEA and SOM Internal Audit Report TEVA_MDL_A_02475564	112	1960-6	Yes	None now
Transcript of the Deposition of Stephen C. Macrides (excerpt)	119	1960-13	Yes	None now
Transcript of the Deposition of Lisa Walker (excerpt)	120	1960-14	Yes	None now
Email from MaryJo Magrone to Sal Grausso, et al. regarding Pricing Proposal Submission-OPANA ER Wholesaler Promotion approval ENDO-OPIOID_MDL-02290107	124	1960-18	Yes	Fewer
Endo Sales Data Chart ENDO_DATA-OPIOID_MDL-00000019	126	1960-20	Yes	Fewer
Par Sales Profit Chart	128	1960-22	Yes	Fewer
Transcript of the Deposition of Tracey L. Norton (excerpt)	129	1960-23	Yes	Fewer
Risk Management Plan for Opioid Analgesics Focus on: Oxycodone ER ENDO-OPIOID_MDL-01500831	130	1960-24	Yes	None
Par's and Endo's Responses concerning SOM Program PAR_OPIOID_MDL_0001596408	134	1960-28	Yes	Fewer

Document Title	Ex. #	Prior Public ECF No.	Prior Redactions	Current Redactions
Email from Lisa Walker to Michael Kalady regarding Endo (Branded) Products Renewal Applications and SOM Policy ENDO-OPIOID_MDL-05969976	135	1960-29	Yes	Fewer
SOMS Program Update Presentation PAR_OPIOID_MDL_0000376972	138	1960-32	Yes	Fewer
Summary of Teleconference with UPS regarding SOMS PAR_OPIOID_MDL_0000404285	139	1960-33	Yes	Fewer
Correspondence from Tracey Hernandez, Larry Shaffer, DEA Compliance to Kim Liddel, RA Supervisor, UPS Supply Chain regarding Review of UPS SOM Activities PAR_OPIOID_MDL_0000404095	140	1960-34	Yes	Fewer
SOMS Process Flow ENDO-OPIOID_MDL-01334119	144	1960-38	Yes	Fewer
Summary of SOM Program, Process Flow ENDO-OPIOID_MDL-05948286	145	1960-39	Yes	Fewer
Email from Tracey Hernandez to Sanjay Patel enclosing Action Items from Tablets DEA Deficiency Letter PAR_OPIOID_MDL_0000363469	149	1960-43	Yes	Fewer
Email from Larry Shaffer to Eric Brantley enclosing SOMS Violations and Presentations PAR_OPIOID_MDL_0000018920	150	1960-44	Yes	Fewer
Email from Tracey Hernandez to Sanjay Patel enclosing Action Items from Tablets DEA Deficiency Letter PAR_OPIOID_MDL_0000363469	151	1960-45	Yes	Fewer
Email from Aimee Cooper to Heather Jones enclosing Memorandum regarding Manufacturers Briefing with Qualitest PAR_OPIOID_MDL_0000216198	152	1960-46	Yes	Fewer

Document Title	Ex. #	Prior Public ECF No.	Prior Redactions	Current Redactions
Email from Keith Margolis to William Price and Carol Sherman regarding Belko - Qualitest SOMS Letter and Questionnaire ABDCMDL00337067	155	1960-49	Yes	Fewer
Email from Eric Brantley to Heather Jones regarding SOPs for SOM PAR_OPIOID_MDL_0000002282	156	1960-50	Yes	Fewer
Email attaching site visit report at Preferred Pharmaceuticals PAR_OPIOID_MDL_0000020898	159	1960-53	Yes	Fewer
Par Pharmaceutical, Inc. and Par Pharmaceutical Companies, Inc.'s Supplemental Objections and Responses to Plaintiff's Interrogatories	160	1960-54	Yes	Fewer
Email from Eric Brantley to Tracey Hernandez enclosing Qualitest SOM Update Presentation PAR_OPIOID_MDL_0000021256	162	1960-56	Yes	Fewer
Correspondence between DOJ/DEA and Par PAR_OPIOID_MDL_0002102288	167	1960-61	Yes	Fewer
Email from Joseph Barbarite to Angela Feniger et al enclosing Par Pharmaceutical Audit Report from DEA Consultants (Buzzeo) PAR_OPIOID_MDL_0001053153	169	1960-63	Yes	Fewer
Email from Angela Feniger to Joseph Barbarite et al enclosing DEA Audit Report PAR_OPIOID_MDL_0001024034	171	1960-65		
Excel spreadsheet regarding ordering pattern JAN-MS-02964442	199	1960-66 [previously manually filed]	n/a	No
Administrative Memorandum of Agreement between the U.S. DOJ, DEA and Cardinal Health, Inc. CAH_MDL2804_02465982	209	1960-103	Yes	None now

Document Title	Ex. #	Prior Public ECF No.	Prior Redactions	Current Redactions
Investigation Report of the Special Demand Committee, BOD of Cardinal Health, Inc. CAH_MDL_PRIORPROD_DEA07_0003331	220	1964-8	Yes	None now
DBA Baltimore District Office Presentation on Cardinal Health Swedesboro Distribution Center	227	1964-15	Yes	None now
Transcript of the Deposition of Todd Cameron (excerpt)	229	1964-17	Yes	None now
Expert Report of Brian Reise	231	1964-19	Yes	Fewer
McKesson Drug Operations Manual MCKMDL00651873	237	1964-25	Under seal	None now
Transcript of the Deposition of Gary Hilliard (Full Transcript)	238	1964-26	Yes	Fewer
Transcript of the Deposition of Blaine M. Snider (Full Transcript)	241	1964-29	Yes	None now
McKesson Operations Manual for Pharma Distribution, Lifestyle Drug Monitoring Program MCKMDL00355251	243	1964-50	Yes	None now
Letter from McKesson Corp.'s Counsel to Linden Barber, Esq., Associate Chief Counsel of DEA regarding Order to Show Cause MCKMDL00330924	245	1964-32	Under seal	None now
Transcript of the Deposition of William de Gutierrez-Mahoney (Full Transcript)	246	1964-33	Yes	Fewer
Email from Nate Hartle to Krista Peck regarding threshold reduction initiative report MCKMDL00410744	257	1964-44	Under seal	Fewer
McKesson's CSMP Oxycodone Threshold Reduction Report MCKMDL00402184	258	1964-45	Under seal	Fewer
Email from Michael Bishop to Jenna Smith regarding DEA Threshold Warning Report MCKMDL00626898	259	1964-46	Under seal	Fewer

Document Title	Ex. #	Prior Public ECF No.	Prior Redactions	Current Redactions
Email sent on behalf of Don Walker re implementing an enhanced SOM Program with attachments and Webex invite MCKMDL00516748	263	1964-51	Under seal	None now
Transcript of the Deposition of Donald Walker	265	1964-53	Yes	None now
Email from Timothy Foster to Joe Lumpkin, et al, Re: CSCP Tracker MCKMDL00476786	278	1964-66	Under seal	Fewer
Email from David Graziano to Melenie Petropoulos and Stephen Schmidt re: CSCI;' Trackers Marc's 2WA and 39MA MCKMDL00476692	279	1964-67	Under seal	Fewer
Email from Stephen Schmidt to Melenie Petropoulos and others re: Marc's CSCP Threshold Report MCKMDL00485800	280	1964-68	Under seal	Fewer
Email from Dan Jefferies to Nate Hartle and others RE: Opioid Reductions MCKMDL00418094	285	1964-73	Under seal	None now
Carlos Aquino Expert Report	290	1964-98	Yes	Fewer
Transcript of the Deposition of Chris Zimmerman (full)	291	1964-79	Yes	Fewer
Deposition Transcript of Eric Cherveney (excerpt)	293	1964-81	Yes	None now
Deposition Transcript of Stephen Mays, Vol. I (full)	294	1964-82	Yes	Fewer
Deposition Transcript of Stephen Mays, Vol. II (full)	295	1964-83	Yes	Fewer
Reported to DEA Report for Opioid Items for all OHIO Summit County Customers from 2007-2013 ABDCMDL00379674	299	1964-87	Under seal	Fewer

Document Title	Ex. #	Prior Public ECF No.	Prior Redactions	Current Redactions
Reported to CSRA Report for Opioid Items for All Summit County Customers from 2008 to 2012 ABDCMDL00308070	300	1964-88	Under seal	Fewer
Transcript of the Deposition of David May (full)	302	1964-90	Yes	Fewer
Transcript of the Deposition of Candace Harbauer (full)	303	1964-91	Yes	None now
Prescription Supply, Inc. Controlled Substances Policy /Procedure PSI0000653	305	1964-93	Yes	None now
Transcript of the Deposition of James Schoen (full)	306	1964-94	Yes	None now
Transcript of the Deposition of Kirk Harbauer (full)	307	1964-95	Yes	None now
State of Ohio Board of Pharmacy Written Response to Prescription Supply, Inc PSI0000008	309	1964-97	Yes	Fewer
Transcript of the Deposition of Jeff Abernathy (excerpt)	310	1964-98	Yes	None now
Transcript of the Deposition of Susanne Hiland (excerpt)	311	1964-99	Yes	None now
Plaintiffs' Responses to the Amended and Clarified Discovery Ruling 12 Supplemental Interrogatory Issued to Plaintiffs	314	1964-102	Yes	None now
Transcript of the 30(b)(6) Deposition of Walmart, through the testimony of Susanne Hiland (excerpt)	315	1964-103	Yes	None now
Transcript of the Deposition of Ramona Sullins (excerpt)	316	1964-104	Yes	None now
Transcript of the Deposition of Edward Bratton (excerpt)	325	1965-7	Yes	None now
Transcript of the Deposition of Eric Stahmann (excerpt)	332	1965-14	Yes	None now
Walgreens Distribution Center follow up letter to March 2006 regulatory investigation	347	1965-29	Yes	None now

Document Title	Ex. #	Prior Public ECF No.	Prior Redactions	Current Redactions
WAGMDL00387642				
Transcript of the Deposition of Douglas Peterson (excerpt)	353	1965-35	Yes	None now
Transcript of the Deposition of Christopher Domzalski (excerpt)	354	1965-36	Yes	None now
Transcript of the Deposition of Deb Bish (excerpt)	356	1965-38	Yes	None now
Transcript of the Deposition of Tasha Polster (excerpt)	362	1965-44	Yes	None now
Transcript of the Deposition of Barbara Martin (full)	370	1965-52	Yes	None now
Expert Report of Craig J. McCann [excerpts of charts on ARCOS data]	383	1965-65	Yes	None now
Transcript of the Deposition of Mark Vernazza (excerpt)	385	1965-67	Yes	None now
Transcript of the Deposition of Amy Propatier (excerpt)	387	1965-69	Yes	None now
Deposition Transcript Excerpts of Ellen Wilson (excerpt)	389	1965-71	Yes	None now
Transcript of the Deposition of Sherri Hinkle (full)	392	1965-74	Yes	None now
Transcript of the Deposition of Aaron Burtner (full)	394	1965-76	Yes	None now
Transcript of the Deposition of Terrence Dugger (full)	395	1965-77	Yes	None now
Transcript of the Deposition of Gary Millikan (full)	400	1965-82	Yes	None now
Transcript of the Deposition of Shauna Helfrich (full)	405	1965-87	Yes	None now
Emails re: SOM Presentation CVS-MDLT1-000078060	407	1965-89	Yes	None now
Business Idea Description - Control Drug IRR update CVS-MDLT1-000034175	411	1965-93	Yes	None now

Document Title	Ex. #	Prior Public ECF No.	Prior Redactions	Current Redactions
Rite Aid Distribution Center DEA Regulatory Guidelines Rite_Aid_OMDL_0014804	412	1965-94	Yes	Fewer
Controlled Drug Above Average Order Monitoring Program Rite_Aid_OMDL_0015079	413	1965-95	Yes	Fewer
Transcript of the Deposition of Janet Getzey Hart (excerpt)	415	1965-97	Yes	Fewer
Transcript of the Deposition of Marian Wood (full)	416	1965-98	Yes	Fewer
Transcript of the Deposition of Christopher Belli (full)	417	1965-99	Yes	Fewer
Transcript of the Deposition of Janet Getzey Hart (full)	418	1965-100	Yes	Fewer
Email from RiteAid to McKesson re Rite Aid 2011 CSMP MCKMDL00632924	419	1965-101	Under seal	None now
Transcript of the Deposition of Debra Chase (full)	420	1965-102	Yes	None now
Threshold Exception List Rite_Aid_OMDL_0012503	421	1965-103	Yes	Fewer
Project Initiation for 5046 Suspicious Order Monitoring Rite_Aid_OMDL_0040184	423	1965-105	Yes	Fewer
Emails re: DSCSA Documents with attachments HBC_MDL00133445	425	1967-1 [previously manually filed]	n/a	No
Report of Craig McCann, Appendix 9 at 3783, 3852	448	1967-24	Yes	None now
Buskey Expert Report	516	1967-92	Yes	Fewer

Dated: December 18, 2019

Respectfully submitted,

/s/ Anthony D. Irpino
Anthony D. Irpino (LA Bar# 24727)
Pearl A. Robertson
IRPINO LAW FIRM
2216 Magazine Street
New Orleans, LA 70130
(504) 525-1500
(504) 525-1501 (Fax)
airpino@irpinolaw.com
probertson@irpinolaw.com
Plaintiffs' Counsel

Paul T. Farrell, Jr., Esq.
GREENE KETCHUM, LLP
419 Eleventh Street
Huntington, WV 25701
(304) 525-9115
(800) 479-0053
(304) 529-3284 (Fax)
paul@greeneketchum.com
Plaintiffs' Co-Lead Counsel

Paul J. Hanly, Jr.
SIMMONS HANLY CONROY
112 Madison Avenue, 7th Floor
New York, NY 10016
(212) 784-6400
(212) 213-5949 (Fax)
phanly@simmonsfirm.com
Plaintiffs' Co-Lead Counsel

Joseph F. Rice
MOTLEY RICE
28 Bridgeside Blvd.
Mt. Pleasant, SC 29464
(843) 216-9000
(843) 216-9290 (Fax)
jrice@motleyrice.com
Plaintiffs' Co-Lead Counsel

Peter H. Weinberger (0022076)
SPANGENBERG SHIBLEY & LIBER

1001 Lakeside Avenue East, Suite 1700
Cleveland, OH 44114
(216) 696-3232
(216) 696-3924 (Fax)
pweinberger@spanglaw.com
Plaintiffs' Co-Liaison Counsel

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of December, 2019, I have electronically filed the foregoing with the Clerk of Court using the CM/ECF System. Copies will be served upon counsel of record by, and may be obtained through, the Court's CM/ECF System.

/s/ Anthony D. Irpino
Anthony D. Irpino